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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,470	01/21/2004	Steven D. Robins	218/1	2917
7590 04/12/2006 .			EXAMINER	
Schwartz Law Firm, P.C.			HURLEY, SHAUN R	
SouthPark Tov Suite 530	vers	В	ART UNIT	PAPER NUMBER
6100 Fairview Road			3765	
Charlotte, NC	28210		DATE MAILED: 04/12/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)				
Shaun R. Hurley 3765	Office Action Commons	10/761,470	ROBINS, STEVEN D.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Particular of them type & revisible under the provided and 37 CRT 13(6), no event, however, may a reply be timely filled # NO period for reply is specified above, the maximum statisticing period will apply and will expire SIX (8) MONTHS from the mailing data of this communication. ## Failto to provide by the filled is the thin these months either the maling data of this communication, even if timely filled, may reduce any event patient time adjustance. Set 97 FR 1-76(4) ## NO period for reply is specified above, the maximum statisticing period will apply and will expire SIX (8) MONTHS from the maling data of this communication. ## Failto to provide by the filled is the filled above, the maximum statisticing period will apply any will expire SIX (8) MONTHS from the maling data of this communication. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the provided above, the maximum statisticing period will apply any entire patients. ## Particular of the patients period any entire patients. ## Particular of the patients period any entire patients. ## Particular of the patients period any entire patients. ## Particular of the patients period any entire patients. ## Partic	Office Action Summary	Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estatewines of time may be available under the provisions of 37 CPR 1.136(b). In a event, however, may a repty be timely filled offer SX (6) MONTHS from the mailing date of this communication. **RIC gender for repty is specified above, the maximum of 15 cent 1.136(b). **Any repty received by the Office later than three months after the mailing date of this communication. **PIX Capacition for repty is specified above, the maximum of the mailing date of this communication. **PIX Capacition for PIX A. **PIX Capacition for PIX A. **PIX Pagnetis time adjustment. See 37 CPR 1.704(b). **Status** **PIX Responsive to communication(s) filled on 21 January 2004. **PIX Responsive to communication (s) filed on 21 January 2004. **PIX Responsive to communication for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** **A Claim(s) 1/23 ifs/are pending in the application. **4 Claim(s) 1/23 ifs/are rejected. **A Claim(s) 1/23 ifs/are rejected. **PIX Claim(s) 1/23 ifs/are rejected. **PIX Claim(s) 1/23 ifs/are rejected. **PIX Claim(s) 1/23 ifs/are objected to. **B Claim(s) 1/23 ifs/are objected to by the Examiner. **A Claim(s) 1/23 ifs/are objected to by the Examiner. **PIX The specification is objected to by the Examiner. **A Claim(s) 1/23 ifs/are specification is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **PIX The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oath or declaration is objected to by the Examiner. **A The oat							
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Specification

1. The disclosure is objected to because of the following informalities: paragraph 53, line 7, the term "were" should read --where--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolmes et al (5423168) in view of the HOLOFIBER website (www.holofiber.com).

Kolmes teaches a composite protective yarn for use in a piece of apparel (Abstract) comprising a core unit of steel filaments of 6 - 120 microns and polyamide, and a comfort sheath wrapped therearound (Column 4, lines 3-10). While Kolmes essentially teaches the invention as discussed above, he fails to specifically teach a cover yarn capable of resizing light wavelengths to provide comfort. The HOLOFIBER website teaches that it is well known to use such a yarn, in specific locations in apparel, so as to increase comfort to the wearer (From Sports Edge Magazine). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the yarn of the HOLOFIBER website as the outer wrapper of the yarn of Kolmes, so as to provide increased comfort to the user above and beyond that of polyester and nylon, in a known and obvious manner. HOLOFIBER was designed as a comfort

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mandatory in particular environments.

Art Unit: 3765

fiber, and it comprises a polymer resin containing silicones, carbons, and vitreous glasses. When light is absorbed, it is transmitted as a longer wavelength, providing comfort to the user. The HOLOFIBER website specifically teaches that such use is already well known and well documented, specifically, in physical contact with a user. The ordinarily skilled artisan would have understood that comfort in the use of cut resistant yarns is imperative, since their use is

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH

22 September 2005

Shaun R Hurley Patent Examiner Tech Center 3700 Page 3